
**Criminal Justice & Corrections
Committee**

HB 1081

Brief Description: Requiring prehire screening for law enforcement applicants.

Sponsors: Representatives McDonald, O'Brien, Morrell and Pearson.

Brief Summary of Bill

- Makes it mandatory for all new law enforcement officers and officers that have been out of work for more than two years, to take and successfully pass a psychological and polygraph test.
- Requires that the psychological and polygraph tests be administered by the county, city, and state law enforcement agencies.
- Authorizes hiring entities to charge each new recruit and returning officer a portion of the testing fee or to establish a payment plan for those officers that do not readily have the means to pay the testing fee.
- Requires the Criminal Justice Training Commission (CJTC) to deny peace officer certification to any officer that has failed the psychological and polygraph tests.
- Prohibits local law enforcement agencies and the Washington State Patrol (WSP) from hiring an officer who has not successfully completed a psychological and polygraph test.

Hearing Date: 1/27/05

Staff: Yvonne Walker (786-7841).

Background:

The CJTC provides basic law enforcement training, corrections training, and educational programs for criminal justice personnel, including commissioned officers, corrections officers, fire marshals, and prosecuting attorneys.

CJTC Boards. The CJTC consists of two training standards and education boards: 1) the Board on Law Enforcement Training Standards and Education, and 2) the Board on Correctional Training Standards and Education. The Board on Law Enforcement Training Standards and Education (Board) is a 13 member Board charged with advising and recommending minimum

curriculum standards to the CJTC for all training and education programs conducted for criminal justice personnel within their specific purview. The CJTC may adopt any curriculum standards as recommended by the Board and may also establish any rules and regulations recommended by the Board relating to the physical, mental, and moral fitness which governs the recruitment of criminal justice personnel where such standards are not prescribed by statute or constitutional provisions.

Training. Basic law enforcement officer training is generally required of all law enforcement officers, with the exception of volunteers, and reserve officers employed in Washington. The training consists of a 720-hour program covering a wide variety of subjects, including constitutional and criminal law and procedures, criminal investigation, firearms training, and communication and writing skills. All law enforcement personnel hired, transferred, or promoted, are required to complete the core training requirements within six months unless the employee receives a waiver from the CJTC.

Law Enforcement Certification. In addition to the basic training requirement, all Washington law enforcement officers must obtain and retain certification as a peace officer. As a prerequisite to certification, a peace officer must release to the CJTC all personnel files, termination papers, criminal investigation files, or any other files, papers, or information that are directly related to the certification or decertification of the officer. The CJTC has the authority to grant, deny, or revoke the certification of peace officers.

Furthermore, although not statutorily required, the WSP and several local law enforcement agencies around the state also require newly appointed peace officers to take and successfully pass a psychological examination and polygraph test as a part of their hiring process for law enforcement officers.

Summary of Bill:

All new full-time, part-time, and returning reserve officers must pass a psychological and polygraph test (or any similar procedure) as a condition of continued employment as a peace officer.

Each hiring agency must require and administer a psychological and polygraph examination to each law enforcement officer applicant that has been offered a conditional offer of employment and each returning reserve officer that has been out of work for more than two years. The hiring county, city, or state law enforcement agency is authorized to require those applicants taking the psychological and polygraph tests to pay a portion of the testing fee based on the actual cost of the test or \$400, whichever is less. In addition, the hiring entity may establish a payment plan for those instances where a peace officer may not readily have the means to pay for his or her portion of the testing fee.

The CJTC must deny peace officer certification to any officer that has lost his or her certification as a result of a break in law enforcement work of more than two years and has failed to pass the psychological and polygraph tests.

Local law enforcement agencies and the WSP are prohibited from hiring officers that have: 1) not meet its minimum standards for employment with the agency; 2) have not successfully completed the basic law enforcement training; and 3) have failed to successfully pass the psychological and polygraph tests.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.